

MINUTES
BOARD OF APPEALS OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, March 25, 2019

1. CALL TO ORDER: Chairman Cheryl Maxwell at 6:20 PM
2. QUORUM CHECK: Jacob Jenkins, Code Enforcement Officer

Members Present:
Mat Matecko, Vice-Chairman
John Hudson, Member
Lori Putt, Member
Cheryl Maxwell, Chairman
Mary Andrews, Member
Michael Murray, Member
James Vinci, Member

Present:
Kim Turner- Assistant City Manager
Jaclyn Redmon- Building Official
Calandra Long- 514 W Lindbergh, Property Owner
Coy Zumwalt Jr-600 West Oak, Property Owner
Bradley Fenlon-442 De Soto, Property Owner

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – February 25, 2019

Member Putt moved to approve the minutes as presented. Member Hudson seconded the motion. The minutes were approved without correction on a 6/1 vote with Member Vinci abstaining.

4. NEW BUSINESS:

- A. **Re-Hearing:** Purpose of the re-hearing is to determine whether the property owner at 514 W Lindbergh, Universal City, Texas has complied with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015 and the Order from the February 25, 2019 meeting.

City staff gave a report to the report on the status of the property and answered questions. The property owner was present and spoke to the Board and answered questions.

Member Matecko made a motion stating, "I find that the property owner(s), lienholder, or mortgagee of 514 W Lindbergh, Universal City Texas is working on complying with the Board of Appeals Order Requiring Abatement of Public Nuisance and Dangerous Structure. Based on the report from City staff, I move that the Board of Appeals grant an extension to the property owner of 514 W Lindbergh to have the following completed: First have an interior and exterior Building/Safety walk with City staff on Friday March 29, 2019; Second, have a contractor submit a scope of work and timeline to repair all items identified in the Building/Safety walk by April 17, 2019; Third, a general contractor obtains a permit for all repair items by April 29, 2019; Fourth, appear before the Board of Appeals at 6:00Pm on Monday April 29, 2019 to give the Board a status update. Failure to comply with the Boards order may result in a summons to appear in Municipal Court before a judge where additional fines may be assessed and/or a second order of demolition on the property."

Member Putt seconded the motion and the vote was 6-1 in favor of the motion. Member Andrews, Hudson, Matecko, Maxwell, Murray, and Putt voted Yes, and Member Vinci voted No.

- B. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 8411 Collingwood, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

City staff gave a report to the report on the status of the property and answered questions. Chairman Maxwell opened the public hearing at 6:39PM. The property owner was not present and there were no public comments for or against the property. The public hearing was closed at 6:40PM.

- C. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 8411 Collingwood, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Member Matecko made a motion stating, "I make the following findings of fact and motion regarding the primary structure and accessory structures/ fence at 8411 Collingwood:

"That the conditions of the property commonly described as 8411 Collingwood, CB 5047H BLK 4 LOT 9 (Olympia (JD), Universal City, Bexar County, Texas 78148 (Bexar County Property ID# 296127) constitutes a public nuisance in need of abatement, specifically:

1. The primary structure is damaged due to years of neglect. The roof, fascia, soffit, and siding are damaged and in need of replacement and proper repair. The front and back patios are damaged. All electrical, plumbing, and mechanical issues that will also need to be addressed, by an approved State Licensed trade. The structure either needs to be properly repaired or demolished.
2. The property owner will need to schedule a walkthrough of the entire property, with the Building Official and if it is determined that foundation/structure is damaged, then a structural engineer's report will need to be submitted and proper repairs made as required by the engineer.
3. The high weeds/grass on the property need to be mowed and kept maintained always.
4. If the house is demolished, then the fence and all accessory structures will be in violation of Zoning Ordinance 581 and will also need to be removed.
5. If the building is demolished, then all plumbing and electrical will need to be properly capped off by a State Approved Plumber/Electrician. The foundation and all flatwork will also need to be removed if the house is demolished.
6. The structure and property, as it continues to exist, is a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.

Based on the finding of fact and the reports presented, I move that the Board of Appeals order that all the structures at the subject property be demolished. The current and/or proposed property owner(s) can still be allowed to work with the City to submit all required paperwork before April 17, 2019 to make corrections to the violations. The owner of the property will also show Right of Possession; either by a deed for the property, or lease agreement. The property owner is also ordered to be present at the April 29, 2019 meeting.

If it is shown that sufficient progress has been made by the April 29, 2019 Board of Appeals meeting, the Board will reconsider the case and may rescind the demolition order and grant a 90-day timeline for the repairs to be completed. If no progress has been made, the Board will make the render a final decision to demolish the structure."

Member Hudson seconded the motion and the vote was 7-0 in favor of the motion.

- D. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 209 Trudy, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

City staff gave a report to the report on the status of the property and answered questions. Chairman Maxwell opened the public hearing at 6:45PM. The property owner was not present and there were no public comments for or against the property. The public hearing was closed at 6:46PM.

- E. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 209 Trudy, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Member Matecko made a motion stating, "I make the following findings of fact and motion regarding the primary structure and accessory structures/ fence at 209 Trudy:

"That the conditions of the property commonly described as 209 Trudy, CB 5054C BLK 4 LOT 3 (Old Rose Garden (SC), Universal City, Bexar County, Texas 78148 (Bexar County Property ID# 308742 constitutes a public nuisance in need of abatement, specifically:

1. The primary structure is damaged due to years of neglect and illegal work performed without proper permits being obtained from the City. All electrical, plumbing, and mechanical issues that will also need to be addressed, by an approved State Licensed trade. The structure either needs to be properly repaired or demolished.
2. The property owner will need to schedule a walkthrough of the entire property, with the Building Official and if it is determined that foundation/structure is damaged, then a structural engineer's report will need to be submitted and proper repairs made as required by the engineer.
3. All junk vehicles will need to be brought to code or be removed from Universal City.
4. All garbage/debris on the property must be removed and properly disposed of.
5. The accessory structure on the property is in violation of the zoning ordinance, was built without proper permits, and needs to be completely removed and all debris properly disposed of.
6. If the house is demolished, then the fence and all accessory structures will be in violation of Zoning Ordinance 581 and will also need to be removed.
7. If the building is demolished, then all plumbing and electrical will need to be properly capped off by a State Approved Plumber/Electrician. The foundation and all flatwork will also need to be removed if the house is demolished.
8. The structure and property, as it continues to exist, is a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.

Based on the finding of fact and the reports Presented, I move that the Board of Appeals order that all the structures at the subject property be demolished. The current and/or proposed property owner(s) can still be allowed to work with the City to submit all required paperwork before April 17, 2019 to make corrections to the violations. The owner of the property will also show Right of Possession; either by a deed for the property, or lease agreement. The property owner is also ordered to be present at the April 29, 2019 meeting.

If it is shown that sufficient progress has been made by the April 29, 2019 Board of Appeals meeting, the Board will reconsider the case and may rescind the demolition order and grant a 90-day timeline for the repairs to be completed. If no progress has been made, the Board will make the render a final decision to demolish the structure."

Member Hudson seconded the motion and the vote was 7-0 in favor of the motion.

- F. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 442 De Soto, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

City staff gave a report to the report on the status of the property and answered questions. Chairman Maxwell opened the public hearing at 6:49PM. The property owner was present and answered questions from the Board. There were no public comments for or against the property. The public hearing was closed at 6:51PM.

- G. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 442 De Soto, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Member Matecko made a motion stating, "I make the following findings of fact and motion regarding the primary structure and accessory structures/ fence at 442 De Soto:

"That the conditions of the property commonly described as 442 De Soto, CB 5047B BLK 17 LOT 3 (Coronado Village (JD), Universal City, Bexar County, Texas 78148 (Bexar County Property ID# 295672) constitutes a public nuisance in need of abatement, specifically:

1. The primary structure is damaged due to years of neglect. The roof, fascia, soffit, and siding are damaged and in need of replacement and proper repair. All electrical, plumbing, and mechanical issues that will also need to be addressed, by an approved State Licensed trade. The structure either needs to be properly repaired or demolished.
2. The property owner will need to schedule a walkthrough of the entire property, with the Building Official and if it is determined that foundation/structure is damaged, then a structural engineer's report will need to be submitted and proper repairs made as required by the engineer.
3. The fence is also in a dilapidated condition and in need of repair or replacement.
4. The high weeds/grass on the property need to be mowed and kept maintained always.
5. The low tree branches overhanging the street and, in the alleyway, need to be trimmed to proper height and the brush properly disposed of.
6. All junk vehicles will need to be brought to code or be removed from Universal City.
7. All garbage/debris/brush need to be removed from the property and properly disposed of.
8. If the house is demolished, then the fence and all accessory structures will be in violation of Zoning Ordinance 581 and will also need to be removed.
9. If the building is demolished, then all plumbing and electrical will need to be properly capped off by a State Approved Plumber/Electrician. The foundation and all flatwork will also need to be removed if the house is demolished.
10. The structure and property, as it continues to exist, is a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.

Based on the finding of fact and the reports presented, I move that the Board of Appeals order that all the structures at the subject property be demolished. The current and/or proposed property owner(s) can still be allowed to work with the City to submit all required paperwork before April 17, 2019 to make corrections to the violations. The owner of the property will also show Right of Possession; either by a deed for the property, or lease agreement. The property owner is also ordered to be present at the April 29, 2019 meeting.

If it is shown that sufficient progress has been made by the April 29, 2019 Board of Appeals meeting, the Board will reconsider the case and may rescind the demolition order and grant a 90-day timeline for the repairs to be completed. If no progress has been made, the Board will make the render a final decision to demolish the structure."

Member Andrews seconded the motion and the vote was 7-0 in favor of the motion.

- H. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 600 West Oak, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

City staff gave a report to the report on the status of the property and answered questions. Chairman Maxwell opened the public hearing at 7:02PM. The property owner was present and answered questions from the Board. There were no public comments for or against the property. The public hearing was closed at 7:09PM.

- I. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 600 West Oak, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Member Matecko made a motion stating, "I make the following findings of fact and motion regarding the primary structure and accessory structures/ fence at 600 West Oak:

"That the conditions of the property commonly described as 600 West Oak, CB 5053R BLK 6 LOT 78 (Meadow Oaks/Emelia (JD), Universal City, Bexar County, Texas 78148 (Bexar County Property ID# 308068 constitutes a public nuisance in need of abatement, specifically:

1. The accessory structures are damaged due to years of neglect. The accessory structures need to be properly demolished and all debris properly disposed of. The remaining shed needs to be properly repaired and ensure to code.
2. The pool water is stagnant and needs to be properly drained and pool pump operational.
3. Please ensure before any work is started, that proper permits are obtained from the City.
4. Per the Zoning Ordinance, only 1 shed is permitted on the property.
5. The structure and property, as it continues to exist, is a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.

Based on the findings of fact and the reports presented, the Board of Appeals orders that all the accessory structures at the subject property be demolished. The property owner has 30 days to pull a demolition permit to demolish 2 or 3 sheds. Should one shed remain, it must conform to the City Zoning Ordinance and Residential Building Codes. The property owner shall have 180 days from the date the demolition permit is pulled to complete the shed demolitions. Further, the property owner shall have until April 17, 2019 to drain the pool, refill it and have it operating at 100% or demolish the pool.

The property owner will be required to reappear before the Board on APRIL 29, 2019.

Member Hudson seconded the motion and the vote was 7-0 in favor of the motion.

- J. Public Hearing:** Purpose of the public hearing is to determine whether the structure at 411 E Aviation, Universal City, Texas complies with the standards set out in the City's International Property Maintenance Code adopted by Ordinance 370-N-2015

City staff gave a report to the report on the status of the property and answered questions. Chairman Maxwell opened the public hearing at 7:20PM. The property owner was not present and there were no public comments for or against the property. The public hearing was closed at 7:21PM.

- K. Consider:** Outcome of the Public Hearing to determine whether the property owner (s), lienholder, or mortgagee at 411 E Aviation, Universal City, Texas has complied with the Order Requiring Abatement of Public Nuisances and Dangerous Structures.

Member Putt made a motion stating, "I make the following findings of fact and motion regarding the primary structure and accessory structures/ fence at 411 E Aviation: "That the conditions of the property commonly described as 411 E Aviation, CB 5768 BLK 60 LOT W IRR 42.94 FT of 19 and E 22FT of 20, Universal City, Bexar County, Texas 78148 (Bexar County Property ID#354694) constitutes a public nuisance in need of abatement, specifically:

1. The structure is damaged due to years of neglect. The roof, facia, soffit, and siding are damaged and in need of replacement and proper repair. The accessory structures are also damaged are damaged. All electrical, plumbing, and mechanical issues that will also need to be addressed, by an approved State Licensed trade. The structure either needs to be properly repaired or demolished.
2. The high weeds/grass on the property need to be mowed and kept maintained always.
3. If the building is demolished, then all plumbing and electrical will need to be properly capped off by a State Approved Plumber/Electrician. The foundation and all flatwork will also need to be removed if the house is demolished.
4. The structure and property, as it continues to exist, is a fire hazard, nuisance to adjacent properties, a danger to the surrounding neighborhood, and it violates City Ordinances 581 and 370-N-2015 as amended.

Based on the finding of fact and the reports presented, I move that the Board of Appeals order that all the structures at the subject property be demolished. The current and/or proposed property owner(s) can still be allowed to work with the City to submit all required paperwork before April 17, 2019 to make corrections to the violations. The owner of the property will also show Right of Possession; either by a deed for the property, or lease agreement. The property owner is also ordered to be present at the April 29, 2019 meeting.

If it is shown that sufficient progress has been made by the April 29, 2019 Board of Appeals meeting, the Board will reconsider the case and may rescind the demolition order and grant a 90-day timeline for the repairs to be completed. If no progress has been made, the Board will make the render a final decision to demolish the structure."

Member Andrews seconded the motion and the vote was 7-0 in favor of the motion.

5. UPDATE ON CASES
6. ADJOURNMENT:

The meeting adjourned at 7:30 PM

